

### **302 KAR 16:010. Business identification number required.**

RELATES TO: KRS 247.234

STATUTORY AUTHORITY: KRS 247.234

NECESSITY, FUNCTION, AND CONFORMITY: KRS 247.234(2) requires the Commissioner of the Department of Agriculture to promulgate administrative regulations for the process of application for a business identification number. This administrative regulation establishes the criteria for obtaining a business identification number to operate an amusement ride or attraction.

Section 1. Definition. "Business Identification Number" means a number identifying the individual or business entity owner of an amusement ride or amusement attraction.

Section 2. A business identification number shall be required to operate an amusement ride or amusement attraction in this state, and shall be valid for one (1) year from the date of issuance, in accordance with KRS 247.234(3)(a). A business identification number shall not be transferred or assigned.

Section 3. Procedure for Obtaining a Business Identification Number. (1) Every owner of an amusement ride or amusement attraction seeking to operate in Kentucky shall submit an application for a business identification number along with the fee for each required initial safety inspection required by 302 KAR 16:020.

(2)(a) The owner of the amusement ride or amusement attraction shall provide a written itinerary indicating:

1. The location of the first setup;
2. All future operating dates and locations, including addresses;
3. The operating period at each location;
4. The names of all rides requiring initial safety inspections pursuant to KRS 247.234(2)(d);

and

5. All rides or attractions being operated at each location.

(b) The itinerary shall be delivered to the department at least fourteen (14) days prior to the first scheduled setup and shall be updated in writing immediately if cancellations are made or additional locations added.

(c) The itinerary shall be submitted in writing including by facsimile or electronic mail.

(3) Except as provided in subsection (4) of this section, the applicant shall provide proof of liability insurance in the amount of \$500,000 per occurrence for bodily injury or death, for each amusement ride or amusement attraction.

(a) The proof of insurance shall include a statement that the insurer shall not cancel the policy without thirty (30) days written notice to the commissioner.

(b) Proof of insurance shall be either the policy or a certified statement issued by the insurer and shall include:

1. A listing of all amusement rides and amusement attractions insured; or
2. A statement that all amusement rides and amusement attractions operated under the supervision of the insured are covered in the policy.

(4) If the applicant's amusement rides or amusement attractions are permanently located or erected, he may, instead of providing proof of liability insurance, provide proof of financial responsibility in at least the amount of \$500,000 on or before the date of the initial safety inspection. Proof of financial responsibility shall be shown by one (1) of the following methods:

- (a) Proof of liability insurance of \$500,000 per occurrence for bodily injury or death;

(b) A financial statement, certified by a licensed certified public accountant, dated no more than thirty (30) days prior to the application date, indicating a net worth of \$500,000 or more in assets located in the state; or

(c) An irrevocable letter of credit to the department in the amount of \$500,000.

Section 4. Upon receipt of a complete application, applicable fees, proof of liability insurance or financial responsibility, and a complete itinerary, shall a business identification number be issued in the name of the applicant. If all items required are not physically available to the inspector when the initial safety inspection takes place, the inspector shall not perform the initial safety inspection and a business identification number shall not be issued. The business identification number certificate shall be available for inspection at all times. If the business identification number holder is operating in multiple locations, a clear and legible copy of the business identification number shall be displayed.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Business Identification Number Application for Rides and Attractions", 08/08;

(b) "Itinerary of Mobile Operators", 03/03; and

(c) "Itinerary of Permanent Fixed Locations", 03/03.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Agriculture, Division of Regulation and Inspection, 111 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (11 Ky.R. 94; Am. 399; eff. 9-11-84; 13 Ky.R. 240; eff. 9-4-86; 15 Ky.R. 845; eff. 10-26-88; 29 Ky.R. 2333; 2663; eff. 5-15-03; 33 Ky.R. 886; 1303; eff. 11-8-06.35 Ky.R. 2129; 2419; eff. 6-5-2009.)